

## CHARTER COMMISSION MEETING MINUTES

MONDAY, MARCH 21, 2011

705 W. University Avenue, Council Auditorium

**Commission members in attendance:** Odon Bacque, Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manual, D. Keith Miller, Stephen J. Oats, Aaron Walker

**Absent:** None

**Charter staff members in attendance:** Mike Hebert (City-Parish Attorney), Pat Ottinger (Assistant City-Parish Attorney) and Veronica L. Williams (Charter Commission Clerk)

**Council Members/Staff in attendance:** Council Chair Kenneth Boudreaux, Council Member Don Bertrand & Keith Patin, Council Clerk Norma Dugas

**Administration staff in attendance:** Director of Lafayette Utilities System Terry Huval

(5:30 p.m.) AGENDA ITEM NO. 1: Call to order  
Chair George Lewis called the meeting to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance  
Commissioner Greg Manuel was called upon to deliver the invocation and lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: Comments/Announcements from Commission Members

Walker requested that the Chair place a discussion item related to parish wide emergency management on an upcoming agenda. LCG personnel in emergency management, other parish officials and the mayors of the small municipalities should be invited to attend the meeting.

Conque asked Joey Durel to come up and clarify an earlier statement made with reference to his position on the Consolidated form of government. Durel noted there was confusion on his position with reference to Consolidation. It was his opinion that, should the 9-member option with five (5) members within the City be selected, those City members should address all matter related to the City, with the four (4) remaining Parish members handling issues only related to Parish matters. Bacque stated citizens should have the right to choose a governance structure. Carson concurred, adding that offering “*a choice*” was a goal of the Commission.

AGENDA ITEM NO. 4: Comments from Bond Attorney Jerry Osborne, Foley & Judell

Lewis recognized Osborne and stated that two proposals were being considered, those being:  
Carson’s proposal on a 9-Member Council (5 Members in the City and 4 Members outside the City), with the five (5) City Council Members handling matters related only to the Lafayette Utilities System (LUS), Lafayette Public Power Authority (LPPA) and the Consolidated Sewerage District #1 for the City of Lafayette; and  
Conque’s proposal for a 9-Member Council (5 Members in the City and 4 Members outside the City), with the five (5) City Council Members handling all matters related to the City of Lafayette, in addition to those related to LUS, LPPA and the Consolidated Sewerage District.

Osborne offered his views on the newly amended proposals. The Consolidated Government was a City and Parish, which could be considered two (2) corporations with one board of directors (Council). In the existing Charter, it was unclear how the LPUA duties were separate from the duties of the Consolidated Council. He suggested that a separate section be identified for the LPUA/LUS Board, giving the board clear authority to handle matters related to LUS. The section should also distinguish the Board's authority from that of the City-Parish Council. There were issues with the budget that also needed to be resolved. One problem, in particular, related to determining the amount of the in-lieu-of-tax. Osborne explained that under Carson's proposal the same problem would exist in that the entire City-Parish Council would have to vote on bond issues, given there would be one board of directors for both entities. However, in Conque's proposal, there would be a board for each entity; thus, if the bond issue was related to the City, only the five (5) City Council members would vote on the issue.

Oats agreed with Bacque and Carson, in that citizens should be provided with a choice and supported an option on the ballot proposing two (2) separate charters. Conque stated that his proposal was offered to allow for a City alternative under the Consolidated form of government. Osborne recommended that the language on the LUS section be broadly written. Conque questioned whether the LPPA should be identified in the Charter and Osborne added that both the LPPA and Consolidated Sewerage District for the City of Lafayette should be identified in the Charter. Under the existing Charter, Manuel asked what LCG's standings was in the bond market and Osborne responded the market and ratings have worked well for LCG, advising that both the LPUA and the Consolidated Council would vote on issues related to LUS bonds.

Osborne then went through the draft Charter under Carson's proposal and made recommendations throughout the draft document.

#### AGENDA ITEM NO. 5: Open Public Hearing

► Lewis Kellogg felt the Commission was placing the "*cart before the horse*", inasmuch as the Commission should first place on the ballot the question of whether the citizens wanted separate governments or not.

► Mike Stagg stated that the issue was whether to provide the City of Lafayette the ability to control its own destiny. The question would be, "what is the best way to govern Lafayette". The City of Lafayette should have the same rights as residents of Carencro, Broussard and other communities.

► Leonard Breaux concurred with Stagg, in that the people of Lafayette should have complete autonomy to control their own destiny. The City has suffered by having a shared allegiance, with the competitive advantage being given away. Breaux thought the governmental departments/functions should remain consolidated. Further, in his opinion, Charter Commission members should be elected.

► Bernard Bonnacaze noted the consensus of speakers up to this point, was to allow the people to vote on options. It was his recommendation the Commission vote to give the people a choice.

► Carroll Baudoin thanked the Commissioners for serving on the volunteer board and suggested the Commission review how the City of Central, LA governance was structure. The City found a way to opt out its former structure. No other place in the country had a form of government like LCG.

► Jay Caldwell noted he was a resident of the City of Scott and asked how much it would cost to separate the governments. He felt citizens outside the City should vote on City issues such as fire, police and LUS, given

there were mutual aid agreements between emergency response departments in the small communities and Scott residents used LUS water. The more the communities worked together, the better the Parish would be as a whole.

► Warren Caudle stated the fundamental problem was not being addressed. He suggested that the unincorporated area of the Parish be consolidated with the City. In his view, the small towns should not have been able to annex from the unincorporated parish and boundaries should have been frozen.

► Nancy Mounce asked if Carson's proposal would allow Council members, whose districts had no city residents, to vote on the City budget and Lewis responded affirmatively and clarified that Conque's proposal would prohibit parish Council members from voting on any city issue. She then asked why City of Lafayette resident should be treated any differently than residents of the small towns.

► Greg Davis thanked the Committee for their service, noting that people he spoke to were not satisfied with the current form of government. Citizens of other municipalities had influence on who was elected to represent City. The way Lafayette was governed was not right. Davis asked the Commission to place a choice on the ballot between deconsolidation and separate city and parish governments.

► Conrad Comeaux reminded that a few weeks ago, a majority of the Commission was in favor of the City of Lafayette having autonomy and was perplexed that members had gone in a completely different direction. He believed the City should have its autonomy. The sale of water was seen as detrimental to the City under the consolidated form of government.

Wayne Colvin thanked the Commissioners for volunteering their time. The initial concerns regarding the Charter amendments started off small and seemed to have grown out of hand. Benefits were gained from having a centralized staff and departments, which brought overall benefits to both the city and parish. Lafayette Parish was considered an outstanding parish in Louisiana. He felt that the Charter Commission should maintain a lot of the structure currently identified in the existing Charter, with tweaks to address LUS issues.

Don Bertrand (current Council Member) stated that any proposal short of addressing the City of Lafayette having autonomy, LUS issues and the City's budget would fail the community.

#### AGENDA ITEM NO. 6: Discussion of multiple options on ballot

Hebert advised that the Legal Department had been diligently attempting to get an opinion from the Attorney General on whether 1) a multiple choice ballot was permissible and 2) an option to retain the current system should be included as a ballot choice. On a multiple choice ballot, their research determined there was no precedent where this has been done. Legislation was such that if multiple plans of government would be placed on the ballot at the same time, with none receiving a majority, then the two (2) options receiving the highest percentages of votes would be placed on a subsequent ballot. In conclusion, it appeared to be permissible to place multiple choices on the same ballot. Further, the Legal Department felt strongly that an option to retain the current system of government would have to be an option on a multiple choice ballot. Lewis confirmed that the opinion was that multiple choice options could be on the ballot and Hebert responded affirmatively, adding a majority vote of 50%+1 was needed for any one proposition to prevail.

Oats supported the option of having the two (2) separate charters included as a ballot option, in addition to the two (2) options already being considered, Carson's proposal and Conque's proposal. Bacque reminded that consideration of separate charters was not included as an agenda item. Lewis stated that it could be placed on the next meeting agenda. Oats asked the Commissioners to consider the request to extend the time.

A motion was offered by Oats, seconded by Miller **to request that the Lafayette City-Parish Council extend the term of the Charter Commission** and the vote was as follows:

YEAS: Bourgeois, Conque, Lewis, Manuel, Miller, Oats, Walker

NAYS: Bacque, Carson

ABSENT: None

ABSTAIN: None

*The motion was approved.*

Prior to the vote, Conrad Comeaux noted the extension should be requested to allow the Commission sufficient time to ensure the language in the selected proposals would be thoroughly reviewed.

AGENDA ITEM NO. 7: General comments from the public on Consolidation

Dale Brasseaux lived in the unincorporated area of the parish and stated that the ballot question should be whether to vote for or against consolidation. The people should first vote on a type of government; and thereafter, a charter would be developed based on the decision of the voters.

AGENDA ITEM NO. 8: Next meeting date

The next meeting was scheduled for March 28. Lewis stated that he would incorporate the changes recommended by Jerry Osborne and all charter proposals would be placed on the next agenda.

AGENDA ITEM NO. 9: Adjourn

There being no further business, the meeting adjourned at 7:54 p.m.